IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.35941 of 1997

Dated: 15-03-2007

Between:

V. Krishnama Naidu, s/o Sri V. Chengamana Naidu,
aged about 60 years,
r/o N. Koturu village, Thumma Kuppam Post,
Bangarupalem Mandal,
Chittoor District.

... Petitioner

and

The Mandal Revenue Officer,
Bangarupalem Mandal,
Chittoor District.

... Respondent

ORDER:

This writ petition is filed seeking *mandamus* declaring the action of the respondent in issuing the impugned notice, dated 22-12-1997 and interfering with the possession and enjoyment of petitioner even before filing explanation and before passing the final order, as arbitrary and capricious.

2. It is the case of the petitioner that he inherited house property in their village from his ancestors and he has been in possession and enjoyment of the same since long time. It is stated that when his neighbours tried to interfere with his possession over the said property, he filed O.S.No.956 of 1997 on the file of the Court of the District Munsif, Chittoor and the same is pending. It is further stated that at the intervention of his neighbours, respondent issued notice, dated 22-12-1997 and is trying to demolish the compound wall and some portion of the structure.

3. Heard learned counsel for the parties.

4. May be it is true that the petitioner is in possession of the property in question since long time, but the same cannot be established by filing a writ petition in this Court and the same can as well be agitated before the competent authority, who issued the impugned notice. The petitioner without submitting any explanation to the notice impugned, in haste approached this Court and filed the present writ petition. Having regard to these circumstances, I deem it appropriate to dispose of the writ petition with a direction to the petitioner to offer his explanation to the notice impugned within four weeks from the date of receipt of a copy of this order and bring it to the notice of the authority concerned about his long possession etc. On such explanation, the authority concerned may pass appropriate orders in accordance with law and till such time, the petitioner shall not be dispossessed from out of the property in question.

5. With the above directions, the writ petition is disposed of. No costs.

JUSTICE GOPALAKRISHNA TAMADA

Dt.15-03-2007
GLV